

ROBBINS & CURTIN, P.L.L.C.
 301 East Bethany Home Road, Suite B-100
 Phoenix, Arizona 85012
 Telephone: (602) 285-0707 ♦ Fax: (602) 265-0267

Joel B. Robbins, Esq. (011065)
 Jesse M. Showalter, Esq. (026628)
 Lauren E. Channell, Esq. (033484)
ROBBINS & CURTIN, p.l.l.c.
 301 East Bethany Home Road, Suite B-100
 Phoenix, Arizona 85012
 Tel: (602) 285-0100
 Fax: (602) 265-0267
joel@robbinsandcurtin.com
jesse@robbinsandcurtin.com
lauren@robbinsandcurtin.com

Benjamin Taylor, Esq. (023868)
TAYLOR & GOMEZ, LLP
 2600 N. 44th Street, Suite B-101
 Phoenix, Arizona 85008
 Tel: (602) 325-8007
 Fax: (602) 957-3257
bt@taylorgomezlaw.com

Attorneys for Plaintiff Robert Johnson

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Robert Johnson, an individual,

No. _____

Plaintiff,

COMPLAINT

vs.

(Tort – Civil Rights)

City of Mesa, a municipality; Jhonte Jones,
 an individual; Rudy Monarrez, an
 individual, and Ernesto Calderon, an
 individual,

(Jury Trial Demanded)

Defendants.

Plaintiff Robert Johnson complains against Defendants City of Mesa, Jhonte Jones,
 Rudy Monarrez, and Ernesto Calderon and alleges as follows:

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PARTIES

1
2 1. Plaintiff Robert Johnson is a resident of Maricopa County, Arizona.

3 2. Defendant City of Mesa is a municipality and a political subdivision of the
4 State of Arizona, organized and existing under the laws of the State of Arizona. It is a “state
5 actor” as that term is used under the jurisprudence of 42 U.S.C. § 1983.

6 3. Defendant Jhonte Jones is an individual and a resident of Maricopa County,
7 Arizona.

8 4. At all times alleged herein, Defendant Jones was a police officer employed by
9 the City of Mesa acting within the course and scope of his employment, and under color of
10 state law. He is a “state actor” as that term is used under the jurisprudence of 42 U.S.C. §
11 1983.

12 5. Defendant Rudy Monarrez is an individual and a resident of Maricopa County,
13 Arizona.

14 6. At all times alleged herein, Defendant Monarrez was a police officer employed
15 by the City of Mesa acting within the course and scope of his employment, and under color
16 of state law. He is a “state actor” as that term is used under the jurisprudence of 42 U.S.C.
17 § 1983.

18 7. Defendant Ernesto Calderon is an individual and a resident of Maricopa
19 County, Arizona.

20 8. At all times alleged herein, Defendant Calderon was a police officer employed
21 by the City of Mesa acting within the course and scope of his employment, and under color
22 of state law. He is a “state actor” as that term is used under the jurisprudence of 42 U.S.C.
23 § 1983.

24 9. For Plaintiff’s claims under Arizona state law, Defendant City of Mesa is
25 responsible for the conduct of its officers and employees, including Defendants Jones,
26 Monarrez, and Calderon and is liable to Plaintiff for the damages resulting from their
27 conduct under the theory of *respondeat superior*.
28

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21. Upon information and belief, Officer Calderon told Plaintiff not to leave via the elevator and Plaintiff complied.

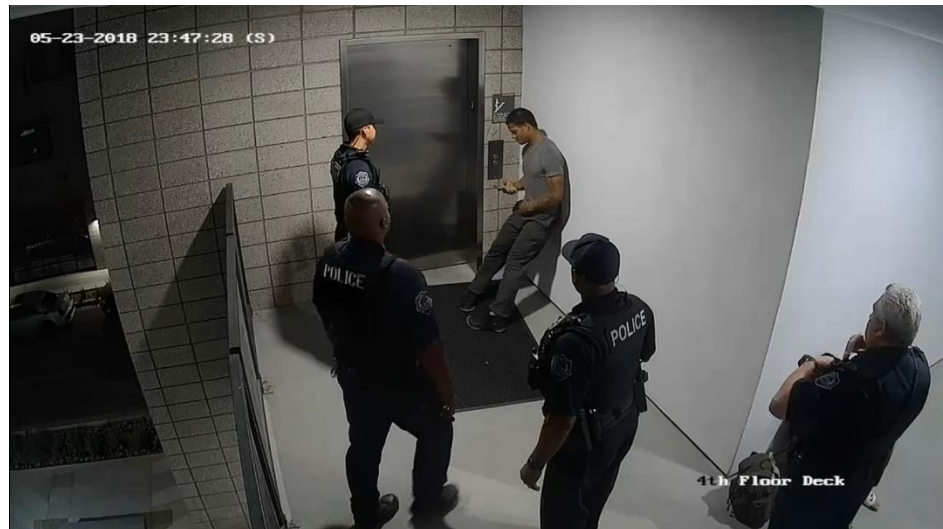
22. While Plaintiff was talking on the phone, Defendant Jones asked to search him for weapons.

23. Plaintiff consented to the search, offered no resistance as the officer performed his search, and advised the officer that he might have a knife. While Defendant Jones searched Plaintiff to his satisfaction, Plaintiff continued talking on the phone.

24. When the search was completed, an officer asked Plaintiff to move to the wall across from the balcony.

25. Plaintiff complied with the officer's request.

26. Plaintiff continued talking on his phone to his mother and girlfriend.



27. An officer then asked Plaintiff to sit against the wall.

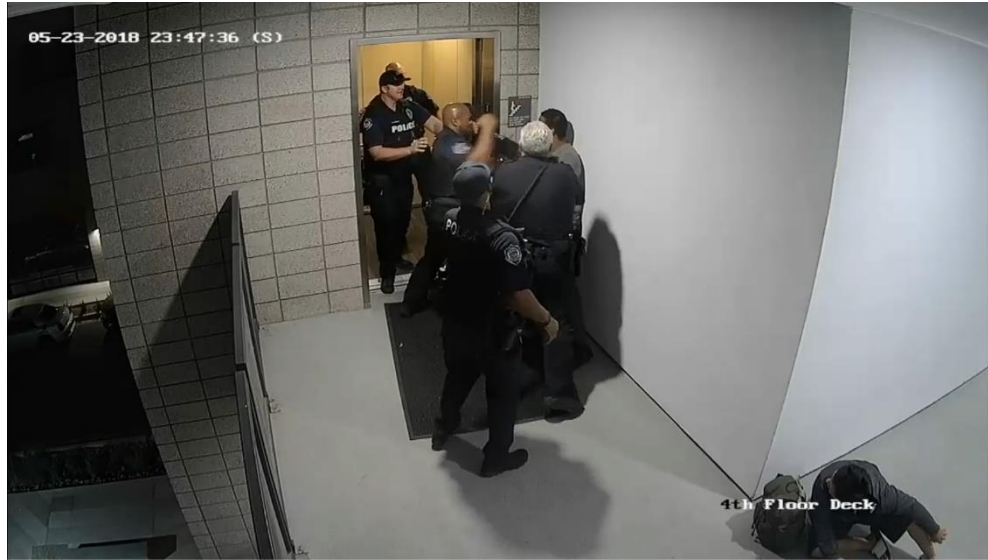
28. Plaintiff eventually lowered himself against the wall, making himself vulnerable to the officers and reducing his capacity to protect himself.

29. As Plaintiff leaned against the wall, multiple Mesa officers, including the Officer Defendants, rapidly approached him from all sides.

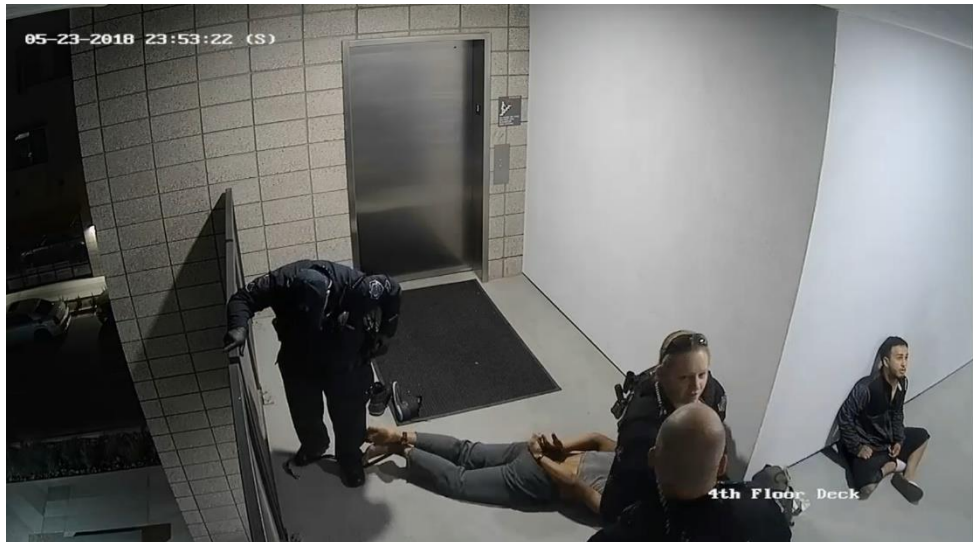
30. Defendant Jones yelled "all the way down" as he moved toward Plaintiff.

31. Within seconds, the Officer Defendants and another officer violently attacked Plaintiff, striking him repeatedly. Defendant Jones appeared to do a knee strike and then

1 punched Plaintiff numerous times, including strikes to the head. Upon information and
 2 belief, Defendant Calderon punched Plaintiff at least once in the head and pulled Plaintiff's
 3 legs out. Upon information and belief, Defendant Monarrez punched Plaintiff.



14 32. After the beating, as he was being placed in the elevator, Plaintiff attempted
 15 to talk with the officers, at which time he was shoved into the door, placed on the ground,
 16 shackled, and gagged with a “spit mask.”



26 33. Following the attack on Plaintiff, the Officer Defendants wrongfully arrested
 27 Plaintiff and wrongfully charged him with disorderly conduct and hindering prosecution.
 28

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34. The Officer Defendants knew that Plaintiff had committed no crime and that there was no probable cause for his arrest.

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F. Such other relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED: May 3, 2019

ROBBINS & CURTIN, p.l.l.c.

By: /s/ Joel B. Robbins
Joel B. Robbins
Jesse M. Showalter
Lauren E. Channell
301 E. Bethany Home Road, Suite B-100
Phoenix, Arizona 85012

/s/ Benjamin Taylor
Benjamin Taylor
2600 N. 44th Street, Suite B-101
Phoenix, Arizona 85008

Attorneys for Plaintiff Robert Johnson

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Benjamin Taylor, Esq.
TAYLOR & GOMEZ, LLP
2600 N. 44th Street, Suite B-101
Phoenix, Arizona 85008
Co-counsel for Plaintiff Robert Johnson

/s/ Julie Ward Molera

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